IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928

OP.No. 9353 of 2000(L)

PETITIONER:

A. VENUGOPAL, S/O. CHOYIKUTTY,
AGED 53 YEARS, MAVILLIPARAMBU HOUSE,
KOTTOOLI AMSOM AND DESOM OF KOZHIKODE TALUK.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

2. THE LAND TRIBUNAL, KOZHIKODE.

3. ARIKKARAKUNNATH KUTTULI,
W/O. VELAYUDHAN, MAVILLIPARAMBATH (HOUSE)
MAVULLIPARAMBU HOUSE,
KOTTOOLI AMSOM AND DESOM OF KOZHIKODE TALUK.

R3 BY ADV. SRI.P.V.KUNHIKRISHNAN
R1 AND R2 BY GOVERNMENT PLEADER ADV. SHRI MANOJ.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 15613 OF 2000 IN O.P. 9353 OF 2000

DISPOSED OF VIDE JUDGMENT DATED 06.03.2007.

06.03.2007 SD/- K.T. SANKARAN, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

Ext. P1	:	TRUE COPY OF THE AMENDMENT ACT 21 OF 1999 ISSUED BY THE 1ST RESPONDENTS DATED 18.06.1999.

/true copy/

P.A. TO JUDGE

K.T. SANKARAN, J.

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O.P. No. 9353 OF 2007

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Dated this the 6th March, 2007

J U D G M E N T

This Original Petition is filed challenging the validity of the Kerala Land Reforms (Amendment) Act, 1999. In **Retna Bai vs. State of Kerala (2004(1) KLT 632)**, a Division Bench of this Court held that the amendment act is unconstitutional. The petitioner states that on the basis of the Amendment Act , the second respondent has filed O.A. 575 of 1999 before the Land Tribunal, Kozhikode. In view of the decision in **Retna Bai vs. State of Kerala,** this Original Petition is allowed and all the proceedings in O.A. 575 of 1999 before the Land Tribunal, Kozhikode are set aside.

Disposal of this Original Petition will be subject to the final pronouncement of the matter by the Supreme Court in the appeal, stated to be pending, challenging the decision in Retna Bai's case.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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O.P. No. 9353 OF 2000

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Dated this the 6th March, 2007

J U D G M E N T